

Serial No. 10/633,762
PC27272

REMARKS

I. Status of the Application

This paper responds to a restriction and election of invention requirement. Originally, there were 22 claims filed. Applicant has amended claim 3 to correct a spelling error and canceled claims 19-22. Claims 1-18 are pending in this application.

II. Time for Reply

This paper responds to a restriction and election of invention requirement, which was mailed October 12, 2006. The Office Action set a shortened statutory period of 1-month for reply from the mailing date. Applicant is filing this paper on November 6, 2006, which is within the 1-month reply period.

III. Restriction and Election of Invention with Traverse

In response to the Examiner's restriction and election of invention requirement, Applicant provisionally elects, with traverse, invention of Group 1, which is drawn to a method of treating hot flashes in female patients. Applicant submits that at least claims 1, 2-9, and 16-18 read on Group 1.

Applicant respectfully submits that the restriction requirement and the election of invention requirement are unwarranted since both Group I and Group II are similarly classified under class 514 and subclass 238.8. The underlying feature of the invention is the use of reboxetine or S,S-reboxetine to treat hot flashes in patients, regardless of gender. As such, a search of the claimed method would be limited to the recited compounds for the treatment of hot flashes; distinguishing between patient gender would not significantly reduce the scope and complexity of the search. Applicant respectfully submits that the search and subsequent examination of Groups I and II would not be overly burdensome, therefore, examination of the entire application is proper.

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IV. Conclusion

Applicant respectfully submits that all pending claims are patentable over the references of record, and requests that the claims be allowed to issue. If the Examiner has any questions, Applicant requests that the Examiner telephone the undersigned.

Applicant believes that no fees are due with respect to the filing of this paper. However, if any fees are required in connection with the filing of this paper, please charge deposit account number 23-0455.

Respectfully submitted,

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Paul M. Misiak
Registration No. 58,310
Pfizer Inc
2800 Plymouth Road
Ann Arbor, MI 48105
Tel: (734) 622-1435
Fax: (734) 622-2928
Customer No. 28880

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